

**Introduced by Senator Hollingsworth**

February 27, 2009

An act to amend Section 653o of the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

SB 609, as introduced, Hollingsworth. Importation of crocodile and alligator parts.

Existing law makes it a crime to import into California for commercial purposes, to possess with intent to sell, or to sell any part or product of the dead body of a crocodile or alligator.

This bill would delete the above crime, thereby making it legal to engage in those acts relating to the importation into California of crocodile and alligator parts.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 653o of the Penal Code, as amended by
- 2 Section 1 of Chapter 576 of the Statutes of 2007, is amended to
- 3 read:
- 4 653o. (a) It is unlawful to import into this state for commercial
- 5 purposes, to possess with intent to sell, or to sell within the state,
- 6 the dead body, or any part or product thereof, of any polar bear,
- 7 leopard, ocelot, tiger, cheetah, jaguar, sable antelope, wolf (*Canis*
- 8 *lupus*), zebra, whale, cobra, python, sea turtle, colobus monkey,
- 9 kangaroo, vicuna, sea otter, free-roaming feral horse, dolphin or
- 10 porpoise (*Delphinidae*), Spanish lynx, or elephant.

1 ~~(b) Commencing January 1, 2010, it shall be unlawful to import~~  
2 ~~into this state for commercial purposes, to possess with intent to~~  
3 ~~sell, or to sell within the state, the dead body, or any part or product~~  
4 ~~thereof, of any crocodile or alligator.~~

5 ~~(e)~~

6 (b) (1) This section shall not apply to kangaroos that may be  
7 harvested lawfully under Australian national and state law, the  
8 federal Endangered Species Act of 1971 (16 U.S.C. Sec. 1531 et  
9 seq.), and applicable international conventions, provided that the  
10 Department of Fish and Game is annually informed by the  
11 Australian government that the commercial harvest of kangaroos  
12 in any future year will not exceed the official quota established  
13 for 2007 or the lawful take of kangaroos in each subsequent year,  
14 whichever is the lesser.

15 (2) If the department fails to receive the report described in  
16 paragraph (1), the department shall inform the Australian national  
17 government that future importation of kangaroos that otherwise  
18 may be harvested lawfully under Australian national and state law,  
19 the federal Endangered Species Act of 1971 (16 U.S.C. Sec. 1531  
20 et seq.), and applicable international conventions shall be halted  
21 and their importation into this state for commercial purposes,  
22 possession with intent to sell, or sale within the state will be subject  
23 to the provisions of this section.

24 ~~(d)~~

25 (c) Any person who violates any provision of this section is  
26 guilty of a misdemeanor and shall be subject to a fine of not less  
27 than one thousand dollars (\$1,000) and not to exceed five thousand  
28 dollars (\$5,000) or imprisonment in the county jail not to exceed  
29 six months, or both fine and imprisonment, for each violation.

30 ~~(e)~~

31 (d) The prohibitions against importation for commercial  
32 purposes, possession with intent to sell, and sale of the species  
33 listed in this section are severable. A finding of the invalidity of  
34 any one or more prohibitions shall not affect the validity of any  
35 remaining prohibitions.

36 ~~(f)~~

37 (e) This section shall remain in effect only until January 1, 2011,  
38 and as of that date is repealed, unless a later enacted statute, that  
39 is enacted before January 1, 2011, deletes or extends that date.

1 SEC. 2. Section 653o of the Penal Code, as added by Section  
2 2 of Chapter 576 of the Statutes of 2007, is amended to read:

3 653o. (a) It is unlawful to import into this state for commercial  
4 purposes, to possess with intent to sell, or to sell within the state,  
5 the dead body, or any part or product thereof, of any polar bear,  
6 leopard, ocelot, tiger, cheetah, jaguar, sable antelope, wolf (*Canis*  
7 *lupus*), zebra, whale, cobra, python, sea turtle, colobus monkey,  
8 kangaroo, vicuna, sea otter, free-roaming feral horse, dolphin or  
9 porpoise (*Delphinidae*), Spanish lynx, or elephant.

10 ~~(b) Commencing January 1, 2010, it shall be unlawful to import~~  
11 ~~into this state for commercial purposes, to possess with intent to~~  
12 ~~sell, or to sell within the state, the dead body, or any part or product~~  
13 ~~thereof, of any crocodile or alligator.~~

14 ~~(c)~~

15 (b) Any person who violates any provision of this section is  
16 guilty of a misdemeanor and shall be subject to a fine of not less  
17 than one thousand dollars (\$1,000) and not to exceed five thousand  
18 dollars (\$5,000) or imprisonment in the county jail not to exceed  
19 six months, or both the fine and imprisonment, for each violation.

20 ~~(d)~~

21 (c) The prohibitions against importation for commercial  
22 purposes, possession with intent to sell, and sale of the species  
23 listed in this section are severable. A finding of the invalidity of  
24 any one or more prohibitions shall not affect the validity of any  
25 remaining prohibitions.

26 ~~(e)~~

27 (d) This section shall become operative on January 1, 2011.